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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,) CASE NO. 2:11-cr-00300-PMP-PAL
10 Plaintiff,) GOVERNMENT'S MOTION TO DISMISS
11 v.) CRIMINAL INFORMATION WITHOUT
12) PREJUDICE
13 DARRYL SCOTT NICHOLS,) **AND ORDER**
14 Defendant.)
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COMES NOW the United States of America, by and through the undersigned counsel,
and moves to dismiss the Criminal Information without prejudice filed in the above-captioned
case against defendant Darryl Scott Nichols, pursuant to Rule 48(a) of the Federal Rules of
Criminal Procedure.

As grounds for this motion, the government states as follows:

1. The defendant was charged in a Criminal Information on one count of conspiracy to
commit mail and wire fraud, in violation of Title 18, United State Code, Section
1343.
2. On September 6, 2011, Defendant Nichols entered a plea of guilty as to one count of
conspiracy to commit wire and mail fraud.

- 1 3. Sentencing in this matter is scheduled for May 18, 2015 at 10:00 am.
- 2 4. On or about November 2, 2014, Defendant Nichols died.
- 3 5. Dismissals under Rule 48(a) are generally without prejudice. *See* 3B Fed. Prac. &
- 4 Proc. Crim. (3d ed.), Fed. Crim. Rules Handbook FCRP 48 (2011 ed.)
- 5 6. It is in the best interest of justice to dismiss the Criminal Information filed against
- 6 defendant Darryl Scott Nichols, without prejudice.

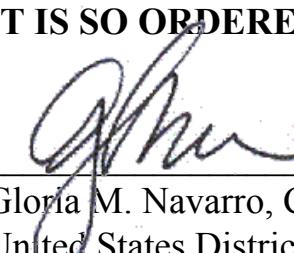
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8 WHEREFORE, the Government by and through the undersigned counsel,
9 respectfully requests the dismissal of the Criminal Information filed against defendant
10 Darryl Scott Nichols without prejudice.

11 Respectfully submitted,

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13 WILLIAM STELLMACH
14 Acting Chief, U.S. Department of Justice
 Fraud Section, Criminal Division

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16 /s/ Thomas B.W. Hall
17 THOMAS B.W. HALL
18 Trial Attorney, U.S. Dept. of Justice
 Criminal Division, Fraud Section

20 **IT IS SO ORDERED.**

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24 Gloria M. Navarro, Chief Judge
 United States District Court

25 **DATED: 01/02/2015**

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 -oOo-

4 UNITED STATES OF AMERICA,)
5)

Plaintiff,)
6)

v.)
7)

DARRYL SCOTT NICHOLS,)
8)

Defendant.)

9
10 I, the undersigned, hereby certify that this pleading was filed with the clerk of court via
11 ECF and will be served electronically via ECF on all parties that have entered their appearances
12 in this case.

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14 Dated: December 30, 2014

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16 /s/ Thomas B.W. Hall
17 THOMAS B.W. HALL
18 Trial Attorney, U.S. Dept. of Justice
19 Criminal Division, Fraud Section
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